

NEC-2090-US
Amendment dated 12/04/2003

09/740,790

04150011AA
Reply to office action mailed 11/03/2003

REMARKS

Claims 1 - 6 are currently pending in the application. By this amendment, claims 1 is amended for the Examiner's consideration. The foregoing separate sheets marked as "Listing of Claims" shows all the claims in the application, with an indication of the current status of each.

An interview was conducted by telephone between Examiner Daniel Nolan and applicants representative, Daniel Steinberg, on October 21, 2003. Claims 1 - 6 were discussed relative to prior art Ozawa et al. (Japan Patent 09-265731), Sako et al. (European Patent 0 762 417 A2) and Dwyer et al. (US Patent 6,571,211). The Examiner has reasoned that it is possible to take the information indicating a type of compression of Dwyer et al. and employ it in Sako et al. Dwyer teaches a file header that includes information indicating a type of compressions. The applicant's representative, Dan Snyder, argued that the data indicating compression type of Dwyer et al. cannot be used in Sako et al. because Sako et al. requires that the "ID signal" provide copy protection and hysteresis monitoring. Sako specifically teaches that the ID signal can be copying management information, or key information for encryption. Sako does not teach that the ID signal can include information indicating a type of compression. Therefore, the combination will be inoperable according to the needs of Sako et al. The Examiner was unpersuaded by this reasoning. The Examiner stated that incorporating the teachings of Dwyer does not require substituting the data of Dwyer for the data of Sako. Rather, it is the Examiner's position that the data indicating compression type can be added to the ID signal of Sako. The Examiner pointed out that it was his position that nobody skilled in the art would "throw away" the ID signal data of Sako when combining the Sako and Dwyer references. The Examiner also pointed out that Sako teaches other signal types for the ID signal that do not provide copy management or hysteresis monitoring (e.g.,

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producer ID). Hence, the Examiner is of the opinion that Sako is not strictly limited to ID signals that provide copy protection or hysteresis monitoring.

Based on the interview, the applicant has amended claim 1 as specified above. In view of the amendment, it is believed that claims 1-6 are now in *prima facie* condition for allowance. Consideration and entry of this amendment is requested.

Claims 1 - 3 are rejected under 35 U.S.C 103(a) as being unpatentable over Ozawa et al. (Japan Patent 09-265731) in view of Sako et al. (European Patent 0 762 417 A2) and further in view of Dwyer et al. (US Patent 6,571,211). Claims 4 and 5 were rejected as being obvious over Ozawa, Sako and U.S. Patent 6,263,313 to Milsted. Claim 6 was rejected as being obvious Ozawa, Dwyer, Milsted, and U.S. Patent 6,240,185 to Van Wie et al. Each of these rejections is traversed in view of the amendments to claim 1 and comments below

Dwyer et al. discloses data 112 indicating that the compression algorithm employed with respect to the voice file, however, none of the references cited by the Examiner discloses or suggests "a plurality of decompression firmwares stored in ROM" and "an expansion section which decompresses compressed digital audio data stored in said RAM by using a decompression firmware selected from among said plurality of decompression firmwares based on the attribution data". In this amendment, Claim 1 has been amended to include the firmware requirement discussed on page 8, lines 11 - 15 that states, "The firmware selected and stored on RAM 16 by the controller 14 is compression firmware used by the compression section 121 and decompression firmware used by the decompression section 122." This firmware requirement is further discussed on page 8, lines 15 - 25 which states that, "...these firmware exist for each type of system." Hence, there are plural firmware files stored. As this amendment is fully disclosed in the aforementioned pages of the specification, it does not constitute new matter.

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None of Ozawa, Sako, Milsted, Dwyer, or Van Wie alone or in combination, disclose or suggest the invention as now presently claimed. Therefore, the claims, as presently amended, should be allowed.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at 703-787-9400 (fax: 703-787-7557; email: mike@wcc-ip.com) to discuss any other changes deemed necessary in a telephonic or personal interview.

If an extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041 (Whitham, Curtis & Christofferson)

Respectfully submitted,



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